IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 19479 of 2005(R)

PETITIONER:

SUDHAKARAN NAIR, S/O.RAMAN NAIR,
AGED 60, NMC XII/396, GANDHI NAGAR HOUSING
COLONY, VAZHUTHOOR, PERUMPAZHUTHOOR VILLAGE.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE HOME SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA.

3. K.J.SCARIA,
DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA.

4. MADHUKUMAR,
SANTHA BHAVAN, VAZHUTHOOR DESOM,
PERUMPAZHUTHOOR VILLAGE, (ADDITIONAL PRIVATE
SECRETARY TO CHIEF MINISTER OF KERALA).

BY ADV. SRI.SAJU.S.A
GOVERNMENT PLEADER SRI. SHYSON P. MANGUSHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19479 of 2005(R)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE FIR NO.257/2000 OF NEYYATTINKARA POLICE STATION.

EXT.P2: COPY OF THE FIR NO.359/2000 OF NEYYATTINKARA POLICE STATION DTD. 9.8.2000.

EXT.P3: COPY OF THE FINAL REPORT DTD.30.8.2000 IN CRIME NO.359/2000 OF NEYYATTINKARA POLICE STATION.

EXT.P4: COPY OF THE APPLICATION DTD.9.1.2004 FOR INVESTIGATION.

EXT.P5: COPY OF THE FINAL REPORT DTD.1.6.2005 BY THE 4TH RESPONDENT.

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// TRUE COPY//

PIUS C. KURIAKOSE,J.

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W.P.(C) No.19479 of 2005

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Dated: 20th July, 2007

JUDGMENT

I do not think that this court will be justified in invoking the supervisory jurisdiction of this court under Article 227 of the Constitution for interfering with the trial of C.C.No.493/01 of the JFMC-I, Neyyattinkara wherein the petitioner is the 2nd accused. Ext. P2 is the F.I.R. and pursuant to the investigation conducted on the basis of that F.I.R., a final report was submitted by the investigating officer. On the basis of the draft charge filed along with that final report, the C.C.Case was registered by the learned Magistrate. The petitioner himself filed an application under Section 178 (3) of the Crl.P.C. seeking a further investigation into the case on the ground that implication of the petitioner in the case was totally unwarranted. The learned Munsiff became inclined to allow that application and accordingly ordered further investigation. Further investigation was conducted and final report Ext.P5 was submitted. Learned counsel submits that the final report Ext.P5 is submitted only on 1.6.2005 and therefore the case against the petitioner is barred by limitation under Section 468 (1) of the Crl.P.C. I am not impressed. At any rate I do not think that this is a fit case where the supervisory jurisdiction

of this court under Article 227 should be invoked. It was on the application submitted by the petitioner himself that further investigation was ordered resulting in Ext.P5. The petitioner cannot now submits that Ext.P5 is filed only belatedly and therefore the charge is barred by limitation. The Writ Petition fails and the same will stand dismissed. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**